

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS JANUARY 25, 2005 9:00 A.M.

ROLL CALL

Invocation – Pastor Ponce Brown
Pledge of Allegiance

REGULAR AGENDA

1. Inform City Council of Asarco's support in the community. Asarco employs good people with good paying jobs. City Council should help stop the lies. We do not want minimum wage jobs. [Juan Aguirre, Jr.]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

2. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of January 18, 2005 and Special City Council Meeting of January 17, 2003.

3. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

4. **RESOLUTIONS:**

- 4A. That the Mayor be authorized to sign an Agreement between the City of El Paso and Transmountain Oil Company, L.C. for the transfer and receipt of the Internal Revenue Service refund of federal excise taxes paid during the 2003 tax year Claim in the total amount of \$9,904.00. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

- 4B.** That the Mayor be authorized to sign the Lessor's Approval of Sublease between City of El Paso ("Lessor"), Henry L. Taylor ("Lessee"), and The Department of Homeland Security, Customs and Border Protection ("Sublessee") for office space located in the premises currently leased to the Lessee municipally known and numbered as 7301 Boeing Drive, El Paso, Texas. **(District 3)**

[Airport, Patrick T. Abeln, (915) 780-4724]

- 4C.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3802 East San Antonio

\$6,809.81

Jose Quintana

(District 3) [Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 4D.** That the City Manager may sign a GSA Standard Form 30, Amendment of solicitation/modification of contract, and other GSA/Federal Forms required to complete the design of the Storm Drain System for the Santa Fe Bridge/Paso Del Norte Port of Entry Expansion Project within City property.

Be it further resolved that the City Manager is hereby authorized to make the necessary budgetary adjustments or transfers to carry out the intent of this Resolution. FUNDING-PPWFL03047/508016/31255013/27707

[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

- 4E.** That the Mayor be authorized to execute and file a Grant Application with the Paso del Norte Health Foundation, on behalf of the City's Retired and Senior Volunteer Program, in the amount of \$35,550, such application to be in effect from April 1, 2005 through March 31, 2006; and

That Robert A Salinas, Director of Community and Human Development Department, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the Grant Application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program. No City matching funds required. **(All Districts)**

[Community & Human Development, Norma Corona, (915) 541-4230]

- 4F.** That the Mayor be authorized to sign an Agreement for Landscape Architectural Services between the **CITY OF EL PASO** and **LANDSCAPE ARCHITECTURAL SERVICES, INC.** for a project known as **"Capistrano Park Improvements"** for an amount not to exceed FORTY THOUSAND ONE HUNDRED SIXTY-TWO AND NO/100 DOLLARS (\$40,162.00). **(District 6)**

Funding Source: G7130CD0016/508016. [Engineering, Irene Ramirez, (915) 541-4431]

- 4G.** That the Mayor be authorized to sign an Agreement for Consultant Services by and between the **CITY OF EL PASO** and **SITES SOUTHWEST**, for a project known as “**Caribe Park Improvements**” in an amount not to exceed FIFTEEN THOUSAND FOUR HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$15,492.50). **(District 6)** Funding Source: G7130CD0015/508016.
[Engineering, Irene Ramirez, (915) 541-4431]
- 4H.** That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **ASA ARCHITECTS STUDIO** for a project known as “**South El Paso Senior Center Restrooms Renovations**” for an amount not to exceed EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00). **(District 8)** Funding Source: G7130CD0018/508016.
[Engineering, Irene Ramirez, (915) 541-4431]
- 4I.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **AIRPORT OPERATIONS OFFICER** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5319**. The Grade shall be **PM 77**. Salary Range: \$38,236.13 - \$56,566.65 (PM 77 To Same)
[Human Resources, Terry A. Bond, (915) 541-4509]
- 4J.** That the Mayor be authorized to sign an agreement accepting an award from the Texas State Library & Archives Commission ("the Commission"), together with related documents, for a grant under the Loan Star Libraries Grant Program (Grant No. 442-05149) in the amount of \$45,611, on behalf of the El Paso Public Library. Funds received under the grant are to be spent on technology, programs, and continuing education at the Library in accordance with the Lone Star Libraries Plan of Action 2005 previously submitted to and approved by the Commission. No matching funds are required. **(All Districts)**
[Library, Carol Brey-Casiano, (915) 541-4941]
- 4K.** That the Mayor be authorized to sign an Interlocal Agreement with Texas Cooperative Extension Services to provide management and problem-solving services for the City's Quality of Life Departments. The Agreement will be for a one-year term and shall not exceed a total cost of \$55,000. Funding shall be from the following sources: Library/Restricted Funds; Zoo/Enterprise Fund; Parks/General Fund. [Parks & Recreation, Norman Merrifield, (915) 541-4331]
- 4L.** That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **LUCERO MELENDEZ ARCHITECTS**, a corporation registered in the State of Texas, for a project known as “**Chelsea and Hawkins Pool Improvements**” for an amount not to exceed FORTY-SEVEN THOUSAND ONE HUNDRED NINETY AND 60/100 DOLLARS (\$47,190.60). **(Districts 2 and 3)** [Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]

- 4M.** That the Mayor be authorized to sign a 2nd Amendment to the Agreement by and between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc., in conjunction with a grant from the United States Department of Labor, to revise the amount of the agreement and the list of objectives and project budget accordingly. To authorize the Chief of Police to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, when applicable.

[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 4N.** That the El Paso City Council approves submission of the grant application for the Victim Services Response Team project to the Office of the Governor, Criminal Justice Division.

The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$97,234.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Response Team.

The City of El Paso agrees to provide cash matching funds in the amount of \$18,432.00 and in-kind match of \$5,877.00.

The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

The Mayor be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program. This item will be funded by State Grant proceeds. The cash match will be funded through Confiscated Funds, account #21150060-500231. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 4O.** That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$588,400.00 from the Texas Department of Transportation, for a STEP-DWI, Alcohol and Other Drug Countermeasures-Speed, Police Traffic Services grant to conduct selected traffic enforcement programs focusing on DWI and speeding violations throughout the City of El Paso; that the Mayor be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In kind match required in the amount of \$333,105.00. This item will be funded by State Grant proceeds. The in-kind match will be funded through General Fund account numbers 21010050-21010055. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 4P.** That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$89,387.00 from the Texas Department of Transportation, for a Safe Communities project to educate the public in an effort to curb attitudes and perceptions regarding traffic incidents and fatalities by evaluating local crash information and to conduct pedestrian safety and occupant protection education and enforcement; that the Mayor be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. An in-kind match is required in the amount of \$42,543.00 and a cash match is required in the amount of \$8,353.00. This item will be funded by State Grant proceeds. The cash match will be funded through Confiscated Funds, account number 21150060-500231. The in-kind match will be funded through General Fund account number 21010050. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 4Q.** That the Mayor be authorized to sign release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
0000 George Dieter Drive/ Pendale Street	\$502.82	\$154.21	\$657.03

(District 5) [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

5. Notice to set a public hearing to be held on March 1, 2005 to determine if the property located at 770 Hempstead in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated 10/14/04. The owners of record as of (Dec. 6, 2004), Karen Pamela Smythe, Mabel S. Haith, 770 Hempstead Dr., El Paso, TX 79912-7086, have been notified of the violations at this property. **(District 1)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]
6. Notice to set a public hearing to be held on February 22, 2005 to determine if the property located at 10121 Dyer St., Space 32 in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 2004. The owners of record as of December 27, 2004, Lilian Heller, trustee for the Heller Family Trust, 7909 Big Bend, El Paso, Texas 79904 is listed as the owner of the real property described herein and Guadalupe Villa, 5616 Tropicana Avenue, El Paso, Texas 79924 is listed as the owner of the mobile home according to the records of El Paso Central Appraisal District, have been notified of the violations at this property. **(District 4)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]
7. **REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
- 7A. Uribe, Sandra – Secretary I
[Community and Human Development, Robert Salinas, (915) 541-4643]
- 7B. Monreal, Manuel – Clerk Typist II
[Human Resources, Terry Bond, (915) 541-4509]
- 7C. Foster, Terry – Coach Operator
[Mass Transit, Terry Lee Scott, (915) 534-5810]
- 7D. Silva, Antonio – Refuse Collection Division Supervisor
[Solid Waste Management, Ellen Smyth, (915) 621-6702]
8. Request for provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:
- Systems Accountant (1)
Fund Source: 05010017-01101-05000
[Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]
9. **STAFFING TABLE CHANGE:**
- Comptroller**
- | | | | |
|--------|------|---------------------------|-------|
| Delete | 1.00 | Treasury Services Analyst | PM 72 |
| Add | 1.00 | Accountant III | PM 79 |
- Fund Source: 05010019-01101-05000
[Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]

10. BOARD RE-APPOINTMENTS:

- 10A.** Conrad Conde to the El Paso Bond Overview Advisory Committee (BOAC) by Mayor Pro-Tem Anthony W. Cobos, District 8.
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]
- 10B.** Jerry Jarvis to the Ethics Review Commission by Mayor Pro-Tem Anthony W. Cobos, District 8. [Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]
- 10C.** Kevin von Finger to the Flood Damage Prevention Board of Appeals by Mayor Pro-Tem Anthony W. Cobos, District 8.
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

11. BOARD APPOINTMENT:

Melvin G. Glass to the Building Board of Appeals as an Alternate of the Electrical or Mechanical Engineer category by Mayor Pro-Tem Anthony W. Cobos, District 8.
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

12. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

12A. Alley behind 3630 Jackson Cost: \$464.00 (District 2)
Dept. ID #01153002; Acct. #504420; Fund #01101; Class #01001
[Representative Robert A. Cushing, Jr., (915) 541-4996]

12B. Corner of Justus and Harrison Cost: \$899.00 (District 2)
Dept. ID #01153002; Acct. #504420; Fund #01101; Class #01001
[Representative Robert A. Cushing, Jr., (915) 541-4996]

13. Request that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

13A. PID #A765-999-002J-0821, \$1,145.54 per month installments on a balance of \$11,455.40 for 2001, 2002 & 2003 taxes; TBI-Texas Business International – 5710 Trowbridge Dr. **(District 2)**

13B. PID #S075-000-0300-18B0, \$441.13 per month installments on a balance of \$2,646.78 for 2002 & 2003 Taxes; Ambrosio Perez – 1472 San Antonio. **(District 8)**

13C. PID #A642-999-028B-4100, \$247.53 per month installments on a balance of \$2,970.36 for 2003 taxes; Mary E. Dorchester – 10624 Tiber. **(District 4)**

13D. PID #M173-000-000B-0008, \$393.67 per month installments on a balance of \$2,362.02 for 2001, 2002 & 2003 taxes; Lourdes & Ignacio Saavedra – 184 McKnight St. **(District - County)**

13E. PID #V893-999-0510-5100, \$488.37 per month installments on a balance of \$8,790.66 for 2000, 2001 & 2002 taxes; Carol A. Medina – 2102 Febrero Dr. **(District 5)**

14. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

- 14A.** Sierra Title Company in the amount of \$8,238.06 overpayment of 2004 taxes. (PID #0415-999-0000-9905)
- 14B.** Wells Fargo Home Mortgage in the amount of \$26,863.08 overpayment of 2003 taxes. (PID #M344-999-0250-1700)
- 14C.** Lone Star Title Company in the amount of \$4,412.93 overpayment of 2004 taxes. (PID #S812-999-0250-3500)
- 14D.** Sierra Title Company in the amount of \$3,333.50 overpayment of 2004 taxes. (PID #T527-999-0160-6100)
- 14E.** Carlos Sierra & Alicia Sierra in the amount of \$3,004.34 overpayment of 2004 taxes. (PID #V897-999-1080-4400)

15. BID:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.: 2005-065 Household Hazardous Waste Disposal Services
Award to: EnviroSolve, LLC
 Tulsa, OK
Item (s): All
Amount: \$200,000.00 (estimated yearly)

Department: Solid Waste Management
Funds available: 34010296-40403-502204
Funding source: Outside Contracts
Total award: \$400,000.00 (estimated)
District (s): All

Solid Waste Management Department and Purchasing Department recommends award as indicated. EnviroSolve, LLC, provided the lowest bid that meets all requirements of the Solicitation.

This is a twenty-four (24) month contract with the option to renew two (2) additional years on a month to month basis. [Purchasing Department, Ray Heredia, (915) 541-4316]

POSTPONED FROM 01/18/05 AND 01/11/05

16. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]**16A. BT2005-446 AIRPORT**

Transfer of funds to cover acquisition of an additional truck for the canine unit at the Airport. TSA has increased the grant to cover additional teams at the Airport.

Increase	\$25,000	to	62620020/P500004/508006	Vehicular Eq
Increase	\$25,000	to	62620020/P500004/407001	Intrfd Trf In
Increase	\$25,000	to	62620038/G629802/406000	FedGrantProc
Increase	\$25,000	to	62620038/G629802/507001	Intrfd Trf Out

16B. BT2005-528 FINANCIAL SERVICES

Set up appropriation for a contract executive assistant in the City Manager's Department.

Decrease	\$40,931.00	from	10010274/01101	Personal Svcs
Increase	\$40,931.00	to	15010704/01101	Personal Svcs

17. BUILDING PERMITS AND INSPECTIONS - REFUND:

Business License refund to Shirley Morales in the amount of \$70.00.

Funding Source: Account 36010119-404119

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

18. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 18A.** Kern Place Merchant Association to use amplification (4 speakers) 2 speakers on the corner of Mesa and Cincinnati and 2 speakers on the corner of Cincinnati and Stanton facing Mesa on February 8, 2005 from 5:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 5,000 spectators are anticipated. .

PERMIT NO. 05-003 [Kenn R. Velasquez] **(District 1)**

THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDIN PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 18B.** Northeast Civic Leaders to hold a parade on March 26, 2005 from 8:00 a.m. to 12:00 p.m. Route: Start on the intersection of Diana Drive and Railroad Drive north to Hercules; proceed on Diana (northbound) to Northgate Shopping Center. Approximately 1,500 persons, 200 vehicles, and 30 animals will take part and 6,000 spectators are anticipated. PERMIT NO. 05-002 [Jack Sturgis]

(District 4)

NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 28 OFFICERS AND 26 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$5,589.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

19. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

An Ordinance amending Ordinance Numbers 009918, 010482, 010544, 011098, 011779, 012468, 013481 and 015805 which established and amended the Andy and Syd Cohen Stadium Lease between the City Of El Paso and the El Paso Diablos, Inc., which was subsequently assigned to El Paso Baseball Club, LLC, a Limited Liability Company which has been converted to a Texas Limited Partnership under the name El Paso Baseball Club, LP, to revise the obligation to pay rent as set forth in said Lease; to approve the assignment of Lessee's interest to El Paso Professional Baseball, LP; add two option periods; delete reporting requirements, and remove rental rates charged for outside events be approved by City Council. **(District 4)**

[Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2005 FOR ITEM 19

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

20. MAYOR AND COUNCIL:

20A. Discussion and action authorizing the City Attorney to hire Harless Benthul as outside counsel to assist in representing the City of El Paso in the contested case hearing for the ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. [Representative John F. Cook, (915) 541-4140]

20B. Discussion and action on proposed amendment of the Cooperative Agreement establishing the City-County Health District.
[Representative Susan Austin, (915) 541-4886]

21. BUILDING PERMITS AND INSPECTIONS:

21A. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 910 E. Redd Road, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 1)**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

POSTPONED FROM 01/04/05 AND 12/28/04

21B. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 7)**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

POSTPONED FROM 01/04/05 AND 12/28/04

22. FINANCIAL AND ADMINISTRATIVE SERVICES:

Discussion and action on a Resolution that the Mayor be authorized to sign a Temporary Right of Entry Agreement by and between the City of El Paso (the "City") and the El Paso Scottish Rite Bodies (the "Owner") to continue to permit City Employee parking at the Owner's parking facilities, located at the intersection of Durango and Missouri Streets, through December 31, 2005, in order to remedy a shortage of available parking spaces for City employees working at City Hall.

[Financial and Administrative Services, Gonzalo Cedillos, (915) 541-4074]

23. PURCHASING - RESOLUTION:

Discussion and action on a resolution that the City of El Paso hereby awards Solicitation No. 2005-034 for Leo Cancellare Pool Improvements, to F. T. James Construction, Inc. in the amount of \$179,222.00, as this Offeror provides the Best Value to the City based on the published criteria and on its ranking evaluation; and

That the Mayor be authorized to sign the contract referenced above; and

That the Mayor be authorized to execute budget transfers for this award and project, as necessary; and

That the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Purchasing, Byron E. Johnson, (915) 541-4313]

24. PURCHASING - BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

24A.	Solicitation No.: 2005-026	Judge Galatzan Park, Pebble Hills Park, Washington Park and Thomas Manor Park Improvements
	Contractor:	Blair-Hall Co., Inc. El Paso, Texas
	Department:	Parks & Recreation
	Funds Available:	14101001-PQLPA182-60182-508027, \$1,410,000.00 14200401-PBE04PA102-29102-508027, \$154,610.34 51159242-PBE04PA102-16186-508027, \$3,489.66 51159242-PBE04PA102-16023-508027, \$900.00
	Funding Source:	2000 Quality of Life & 2004 Bond Elections
	Items:	Base Bid I, II, III, IV, Alternates 1A, 1B and Alternates Nos. 2 -16
	Total Award:	\$1,569,000.00
	District(s):	1, 5, 7 & 8

RECOMMENDATION:

The Departments of Engineering, and Parks & Recreation recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.
[Purchasing, Barbara Crumley, (915) 541-4113]

24B. Solicitation No.: 2005-050 El Paso International Airport Golf Course
Contractor: Golf Works, Inc.
 Austin, Texas

Department: Department of Aviation
Funds Available: 62620026-PAP0023-41063-508027
Funding Source: Airport Revenue
Items: Base Bid \$9,426,310.55 and
 Alternate No. 18 \$ 25,000.00
Total Award: \$9,451,310.55
District(s): 2

The Departments of Engineering and Aviation recommend the award of this contract to Golf Works, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.
[Purchasing, Barbara Crumley, (915) 541-4113]

25. PUBLIC HEARINGS – BUILDING PERMITS AND INSPECTIONS:

- 25A.** Public hearing to determine if the property located at 1105 Loma Verde Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 19th, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 6)** POSTPONED FROM 11/30/04, 11/02/04 AND 10/12/04
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 25B.** An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code, the penalty being as provided in Section 18.02.107 of the El Paso City Code.
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

26. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 26A.** An Ordinance changing the zoning of Lot 12, Block C, Christy Tract, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Lopez Castillo & Lidia Corral De Lopez. ZON04-00139 **(District 7)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 26B.** An Ordinance changing the zoning of Lot 32, Block 3, Sahara Subdivision, El Paso, El Paso County, Texas, from R-4 (Residential) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo Levario. ZON04-00146. **(District 4)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 26C.** An Ordinance changing the zoning of A portion of Lot 11, Block 1, Farah Subdivision Replat A, El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Fong. ZON04-00147. **(District 3)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 26D.** Discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lots 1 and 24, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxell. ZON04-00145. **(District 2)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

27. PUBLIC HEARING – PARKS & RECREATION:

An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees. [Parks & Recreation, Norman Merrifield, (915) 541-4331] **POSTPONED FROM 12/28/04**

- 28.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 28A.** *Rolando Parra, Juan Aragon, Enrique Aragon Romero, Manuel Aragon, Guadalupe Aragon and Josefina Aragon vs. Officer C. Jones, Officer D. Medina, Officer O'Connor, Officer Mendoza, Officer Mendez, Officer Corral, K-9(7), Sgt. Gaither and The City of El Paso, Texas; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas. (551.071)*
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 28B.** *Frank Lopez III, Matthew Braxton, Placido Hernandez, Victor Orta, Carlos Luna, and Violeta Corral vs. City of El Paso, Texas, Carlos Leon, Individually and in his Official Capacity as Chief of Police of El Paso, Texas; David Amparan, Jesus Ayala, Noe Baeza, Roberto Baeza Jr., Jorge Luis Chavez, Luis Cortez, Joseph Duarte, Robert Holguin, Jose Lopez, Vicente Macias, Ramon Antonio Mazza, Erik M. Messer, Adrian Nevarez, Ruben G. Olmos, Jaime Payan, Victor Perez, Mark A. Vallejo, Peter F. Pacillas, and John Doe Officers 1-10, Individually and in their Official Capacities as City of El Paso Police Officers; Cause No. EP-05-CA-0009-FM in the United States District Court of Texas. (551.071)*
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 28C.** *Carmax Auto Superstores, Inc. Superstores, Inc., et al v. State of Texas, et al. v. Texas Automobile Dealers Association, et. al.; Cause No. 98-02879 in the 383rd Judicial District Court, El Paso County, Texas. (551.071)*
[City Attorney's Office, Michele Little Locke, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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